

# United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,077	10/30/2003	Timothy Joseph Dalton	YOR920030377US1	8111
7	590 10/19/2006		EXAM	INER
David Aker, Esq. 23 Southern Road			FORTUNA, ANA M	
Hartsdale, NY 10530			ART UNIT	PAPER NUMBER
,			1723	
			DATE MAILED: 10/19/2000	6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Total MAILING DATE of this communication appears on the cover sheet with the correspondence address			Application No.	Applicant(s)				
Examiner And M. Fortuna  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION Exameters of time ray by a regulate under the protectors of 37 CPR 1.136(s), In no event, nowerer, may a reply be timely filled Exameters of time ray by a regulate under the protectors of 37 CPR 1.136(s), In no event, nowerer, may a reply be timely filled Fairun to reply whether has write the mailing date of this communication Fairun to reply whether has other extended period for reply will, by delautic parted will apply and well eight SM, MONTHS from the mailing date of this communication Fairun to reply whether has offered for reply will, by delautic parted will apply and well eight SM, MONTHS from the mailing date of this communication Fairun to reply whether has offered for reply will, by delautic, cause the application to become ABANDONED (35 U.S.C. § 1.33).  - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Experte Quayle, 1935 C.D. 11, 453 O.G. 213.  - Disposition of Claims  - Disposition of Claims  - Application of Paira (25-37) is/are pending in the application 4a) Of the above claim(s)	Office Action Summary							
Ana M. Fortuna  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address →  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER. FROM THE MAILING DATE OF THIS COMMUNICATION.  - The MONTH of the maining case of his communication.  - If NO period for reply is specified above, the maining sale of his communication.  - If NO period for reply is specified above, the maining case of his communication.  - If NO period for reply is specified above, the maining sale of his communication.  - If NO period for reply is specified above, the maining date of this communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - If NO period for reply is specified above, the maining date of the communication.  - Paller to engine 37 (Septiment 1997)  - Paller to engine 37 (Sept								
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time map be available under the provisions of 37 CFR 1:35(a). Inn event, however, may a reply be timely filed and refax (6) MCMTRS time the mailing date of this communication.  Failure for grow, which the set or extended period for regy with. by stakes, cause the application to become ABANDONED GS U.S.C. § 133). Any reply received by the Office liter than rhore months after the mailing date of this communication, even it timely filed, may reduce any same optimist them silipathment. See 37 CFR 1:704(b).  Status  1) □ Responsive to communication(s) filed on 03 August 2006.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Clalms  4) □ Claim(s) 1-13 and 25-37 is/are pending in the application.  4a) ○ the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) 1-13 and 25-37 is/are rejected.  7) □ Claim(s) 2-2, 25-37 is/are rejected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.35(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ Copies of the cortified copies of the priority documents have been received.  2 □ Certified copies of the priority documents have been receiv	Period for Reply							
1) Responsive to communication(s) filed on 23 August 2006.  2a	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>							
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#### **DETAILED ACTION**

### Allowable Subject Matter

1. Claims 1, and 9-13 are allowed.

#### Claim Rejections - 35 USC § 112

- 2. Claims 2-4, 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-8 are directed to the broad aspect of claim
- 1. The limitations claims 2-4 are redundant, since claim 1 is now limited to the specific separation membrane materials and support materials. Claims 5-8 are unclear as to whether the additional 'organic material" is provided on top of the membrane layer of claim 1. If claims 5-8 are intended to a second membrane layer on top of the first separation layer, the later embodiment is not supported by the specification and the claims should be canceled.
- 3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification provides support for composite membranes including a support and a polymeric material for producing a an symmetric membrane, however, producing a membrane with the siloxane compounds as in the amended claim 1 and further providing organic layer is not disclosed in the specification.

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4. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 5-8 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed 8/3/06. In that paper, applicant has stated that claim (newly added) 27 is directed to patentable subject matter, and that claims 28-32 correspond to claims 2-6 and claims 33-37 (new) correspond with claims 8-12, and this statement indicates that the invention is different from what is defined in the claim(s), e.g 1, and 9-13, because they constitute different embodiments of the invention, which are different from the specified components of the membrane layer of clam 1.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification provides support for composite membranes including a support and a polymeric material for producing a an symmetric membrane, however, producing a membrane with the siloxane compounds as in the amended claim 1 and further providing organic layer is not disclosed in the specification.

## Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. As admitted by applicant, in remarks, the newly added claims 27-37, and dependent claims 25, 26, correspond to the embodiment previously rejected on paper of 1/30/06. Rejection to this claims is maintained.

In a Telephone interview applicant proposed canceling of these claims.

A telephone call was made to David Aker; a conversation was not possible because Mr.

Aker has not an assigned number yet with the company.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana M. Fortuna whose telephone number is (571) 272-1141. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ana M Fortuna Primary Examiner Art Unit 1723 Page 5

AF September 16, 2006